

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

SCHILLING FOODS, LLC

PLAINTIFF

VS.

CASE NO. 1:17-cv-00201-MPM-DAS

**FIRST DATA CORPORATION;
FIRST DATA MERCHANT SERVICES
LLC; CITICORP PAYMENT SERVICES,
INC.; and ABC CORPORATIONS 1-10**

DEFENDANTS

**MOTION OF FIRST DATA CORPORATION AND
FIRST DATA MERCHANT SERVICES LLC TO DISMISS**

Defendants First Data Corporation and First Data Merchant Services LLC (together, “Defendants”) request that the Court dismiss all of Plaintiff’s claims against them with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. In support, Defendants rely on the arguments and authorities set forth in the accompanying Memorandum and the materials attached hereto as Exhibit A.

Respectfully submitted,

FIRST DATA CORPORATION and
FIRST DATA MERCHANT SERVICES, LLC

By: /s/ M. Patrick McDowell

M. Patrick McDowell, One of Their Attorneys

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ M. Patrick McDowell

M. Patrick McDowell